

**Equal Opportunity and Outreach  
Americans with Disability Act, as amended  
Accommodations for Students with Disabilities  
August 2009**

Excerpt from University of Massachusetts Lowell,  
**ADMINISTRATIVE ANNOUNCEMENT NO. 8**  
**EQUAL OPPORTUNITY FOR PERSONS WITH DISABILITIES**

*"Consistent with best practices in higher education, the Director of Equal Opportunity, Mrs. Oneida D. Blagg will continue to provide consultation, analysis and recommendations on disability related policies and practices. This also includes involvement with the allocation of resources for persons with disabilities in this highly regulated area of anti-discrimination law."*

Martin T. Meehan  
Chancellor

**Ready Reference for Faculty and Staff**

Equal Opportunity and Outreach has prepared the following information to assist you in working with student with disabilities. Please note other accommodations such as those for religious practices and caretaker responsibilities are also available under other laws; and are not considered disability accommodations. Most reasonable accommodations for student with disabilities require the involvement of the faculty and adjunct instructors as related to the classroom or on-line setting. However, in some cases departmental staff may be required to participate in the provision of an approved reasonable accommodation. Smoothly coordinated and delivered accommodations are important as they relate to enhancing a sense of inclusion in the learning environment.

**How Does an Accommodation Come About?**

A student with a disability is not required to self identify. A student with a disability who wants an accommodation is required to make request for an accommodation at the Office of Student Disabilities Services (OSDS). OSDS has procedures in place to review accommodation requests and make a determination as to a reasonable accommodation. Once OSDS has approved an accommodation request, individual faculty members, adjunct instructors or others are not permitted to obstruct the provision of the reasonable accommodation. To do so may constitute a violation of the University's policy on Equal Opportunity for Persons with Disabilities (Administrative Announcement No.8) and the Americans with Disability Act, as amended, 2008.

**Key Information for all Faculty, Adjunct Instructors, and Staff:**

- Please complete the on-line diversity education modules located on the EOO website if you have not yet done so. Any administrator, faculty or staff member, who directs the work of others, *is regarded under the law as a supervisor and must take the supervisory versions* the on-line modules. *Faculty, because they direct the work of students are also regarded as supervisors.*

## **Equal Opportunity and Outreach Ready Reference for Faculty and Staff, Cont**

- ***Completion of this course may reduce the impact of personal financial liability in a complaint of disability discrimination.***
- Health impairments, religious practice/belief, and caretaker responsibilities all may or may not result in a request for an accommodation.
- The following groups are all protected by law and University policy from disability discrimination and retaliation: (i) individuals with disabilities; (ii) those perceived to have or regarded as having a disability, those who formerly had a disability; (iii) and individuals who have a known association with persons with disabilities. In addition to protecting individuals in (i) and (ii) above, the law protects those who have a known association with persons with disabilities. The purpose of the “association provision” is to prevent employers (supervisors) from taking adverse actions based on unfounded stereotypes and assumptions about individuals who associate with persons who have disabilities. Consequently, an employer (supervisor) cannot refuse to offer an individual who is the best qualified for the position the position based upon the belief that the individual’s attendance will be adversely affected because he has a child with a disability. An employer (supervisor) cannot terminate an employee whose girlfriend is HIV-positive based upon the belief that the employee will contract the disease and transmit it to others in the office. An employer (supervisor) cannot deny an employee whose mother and sister have breast cancer a promotion or other opportunities based on the belief that the employee will also contract breast cancer and be unreliable or unable to perform her job.
- If a student notifies you that he or she may have a disability, the law considers this as notification to the University of disability. This notification can occur at any point in the semester after which you must refer the student to (1) the Office of Student Disabilities, (2) OSDS, and (3) Centers for Learning, and Counseling and Testing. Providing the student with the names of all three offices gives the student options. Sometimes the need to direct a student to a particular office may not be clear based on the student notification. A student may simply indicate that he or she is having more difficulties than others with the class, or mention difficulty reading or comprehending. Remember, a student is not required identify a specific disability to you and may not be able to do so. However, the student’s statement that he or she is having more difficulties than others may constitute notification to the University, faculty should refer the student to the three offices stated: (1) the Office of Student Disabilities, (2) OSDS, and (3) Centers for Learning, and Counseling and Testing. Remember, if a student states that he or she has a disability or is provided with a reasonable accommodation such information and records must be kept confidential. Faculty are not to review medical or diagnostic materials of a student.
- Students with an approved accommodation will present faculty with documentation from the Office of Student Disabilities Services advising the faculty member or the adjunct instructor of the nature of the accommodation. The accommodation is based on the assessment of a health care professional. This information and any records related must be kept confidential.

## **Equal Opportunity and Outreach Ready Reference for Faculty and Staff, Cont**

- Refrain from inquiring about the nature of the disability or impairment. Such inquiries may suggest to the student an attempt to obstruct the provision of an approved accommodation which the University is legally required to provide.
- The University is required to engage in what the law refers to as the “interactive process”. The “interactive process” is an informal dialogue among the student and appropriate University representatives with the objective of identifying the student’s limitations resulting from the disability and potential reasonable accommodations that would overcome those limitations. Consequently, when a student has a question about how the accommodation will be provided, you must respond. You may first however wish to contact OSDS for clarification on the nature of the accommodation before responding to the student. **EEO is also available for you to discuss the coordination of accommodations.**
- You are required to maintain confidentiality regarding the disability and the provision of the accommodation. You may discuss the delivery of the accommodation with OSDS and with the student in order to coordinate any needed logistics.
- Examples of types of accommodations include but are not limited to time and half on lectures/quizzes, recording a class lectures; preferential seating, change in room assignment for class, etc.
- Differential treatment outside the terms of the accommodation, or retaliating against a student for having requested an accommodation is prohibited by University policy and the law.
- A request for a reasonable accommodation may not be confirmation that the individual making the request is a person with a disability.
- You cannot base employment or academic decisions or evaluations upon the individual’s disability. Nor can you base employment or academic decisions or evaluations on what you may perceive or regard as impairment. Rather employment or academic decisions or evaluations should be based upon the individual’s ability to perform the academic requirements (or essential functions of the employment position) with or without a reasonable accommodation. An evaluation includes grades on class assignment, projects, and tests, etc. Impairments are distinct from disabilities but depending upon the nature, assessment, or how perceived or regarded, impairment may be considered a disability under the law.
- Contact the Office of Student Disability Services with any questions related to accommodations for students with disabilities 978-934-4574.
- Pregnancy is not considered a disability. Arrangements regarding pregnancy may be made directly with the faculty member and should not be referred to OSDS unless a related health impairment exists which may require an accommodation.

**Equal Opportunity and Outreach  
Ready Reference for Faculty and Staff, Cont**

***For Faculty, adjunct instructors, and staff requests for all forms of accommodation such as disability, religious, and caretaker, please contact Equal Opportunity and Outreach, 978-934-3567. If you contact other Universities entities, they will refer you to Equal Opportunity and Outreach, Cumnock Hall, C-4.***

*Prepared by OD Blagg, Director  
August 2009*